<u>REMARKS</u>

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-10 are pending and stand rejected.

Claims 1, 2, 5, 6 and 7 have been amended.

Claims 1-3 and 7-9 stand rejected under 35 USC 103(a) as being unpatentable over Jacobs (USP no. 4, 573, 208) in view of Kinkel (USP no. 4, 855, 689) and further in view of Dimitrijevic (USP no. 4, 932, 075).

Applicant respectfully disagrees with and explicitly traverses the reason for the rejection. However, in the interest of advancing the prosecution of this matter, the independent claims have been amended to further recite that the gain of each amplifier in said set of amplifiers is determined by determining a deviation from a nominal gain value of each of said amplifiers in said given frequency channel. No new matter has been added support for the amendment may be found at least in Table 1 on page 6. In addition, independent claim 7 has been further amended to recite that the gain of the filter is determined based on coefficients determined for each frequency range. No new matter has been added. Support for this amendment may be found at least on page 7, lines 1-6.

Jacobs discloses a compressed single sideband communication system in which the audio signal is compressed prior to pre-emphasis and summed with a pilot tone for further compression prior to transmission. Jacobs is recited for teaching, in Figure 4, the claim element "means for determining the real gain of said set of amplifiers"

Kinkel discloses a phase lock loop with switchable filter for acquisition and tracking modes. The filter parameters are selected to minimize the mean square deviation of a phase margin expression. Kinkel is recited for teaching, in Figure 1, the clam element of means for determining the real gain of said selective filter in said given frequency channel."

Dimitrijecvic discloses a high speed wide range variable rate power detector and is recited for teaching an A/D memory to translate a measured signal from an analog to a digital circuit.

However, in reviewing the teaching of Jacobs with regard to Figure 4, Jacobs fails to teach that the real gain of the amplifiers is determined by determining a deviation from a nominal gain value for each amplifier. Rather Jacobs teaches the setting of amplifiers but fails to teach that the settings are determined as a deviation from a nominal gain value as is recited in the claims.

Neither Kinkel nor Dimitrijecvic teach or suggest determining a deviation value as is recited in the claims.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met, 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of Jacob, Kinkel and Dimitrijecvic.

For the amendments made to the independent claims 1 and 7 and for the remarks made herein, applicant submits that the combination of Jacob, Kinkel and Dimitrijecvic fails to include all the elements recited in the claims. Accordingly, the subject matter recited in the independent claims is not rendered obvious as the reason for the rejection of the independent claim 1 has been overcome. Applicant respectfully requests that the rejection be withdrawn and the independent claims allowed.

With regard to the rejection of the remaining claims, each of these claims depends from the independent claim and, hence, is not rendered obvious by the combination of the combination of Jacob, Kinkel and Dimitrijecvic for at least their dependency upon an allowable base claim.

Claims 4-6 are rejected under 35 USC 103(a) as being unpatentable over Jacobs and Kinkel and further in view of Narumi (USP no. 6, 11,811).

Applicant respectfully disagrees with and explicitly disagrees with the reason for the rejection. Claims 4-6 depend from claim 1, which were rejected based on the combination of Jacobs, Kinkel and Dimitrijecvic. Hence, claims 4-6 should at least be rejected based on the combination of Jacob, Kinkel, Dimitrijecvic and Narumi.

Notwithstanding the references to should be cited in rejecting the claims, applicant submits that claims 4-6 depend from claim 1, which has been shown to include allowable subject matter in view of Jacob, Kinkel and Dimitrijecvic. Narumi fails to provide any teaching that corrects the deficiency found to exist in the combination of Jacob, Kinkel and Dimitrijecvic.
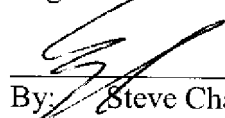
Hence, claims 4-6 are also allowable as the combination of the cited references fails to teach all the elements recited in the claims.

For the amendments made to the claims and for the remarks made herein, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Aaron Waxler
Registration No. 48,027

Date: September 30, 2008

By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
Aaron Waxler, Registration No. 48,027
NXP, B.V.
NXP Intellectual Property Department
M/S41-SJ
1109 McKay Drive
San Jose, CA 95131
Phone: (408) 434-3000
Fax: (408) 474-9081